

SENATE BILL 1169

By Swann

AN ACT to amend Tennessee Code Annotated, Title 56,
relative to telehealth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-7-1002(a)(6), is amended by
deleting the subdivision and substituting the following:

(6) "Telehealth":

(A) Means the use of real-time, interactive audio, video
telecommunications or electronic technology, or store-and-forward telemedicine
services by a healthcare services provider to deliver healthcare services to a
patient within the scope of practice of the healthcare services provider when:

(i) The provider is at a qualified site other than the site where the
patient is located; and

(ii) The patient is located:

(a) At a qualified site;

(b) At a school clinic staffed by a healthcare services
provider and equipped to engage in the telecommunications
described in this section;

(c) At a public elementary or secondary school staffed by
a healthcare services provider and equipped to engage in the
telecommunications described in this section;

(d) At the patient's residence, which is equipped to
engage in the telecommunications described in this section; or

(e) At the patient's place of employment, which is equipped to engage in the telecommunications described in this section;

(B) Means remote patient monitoring telemedicine services by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) Such provider is at a qualified site other than the site where the patient is located; and

(ii) The patient is located:

(a) At a qualified site;

(b) At a school clinic;

(c) At a public elementary or secondary school;

(d) At a patient's residence; or

(e) At a patient's place of employment; and

(C) Does not include:

(i) An audio-only conversation;

(ii) An electronic mail message; or

(iii) A facsimile transmission; and

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(d), is amended by deleting the subsection and substituting the following:

(d) Subject to subsection (c), a health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through telehealth;

(2) Shall reimburse a healthcare services provider for the diagnosis, consultation, and treatment of an insured patient for a healthcare service covered under a health insurance policy or contract that is provided through telehealth without any distinction or consideration of the geographic location or any federal,

state, or local designation or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through telehealth and is not provided through an in-person encounter between a healthcare services provider and a patient;

(4) Shall reimburse healthcare services providers who are out-of-network for telehealth care services under the same reimbursement policies applicable to other out-of-network healthcare services providers; and

(5) Shall reimburse healthcare services providers for a telehealth originating site facility fee.

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(h), is amended by deleting the subsection and substituting the following:

(h) Nothing in this section applies to accident-only, specified disease, hospital indemnity, self-insured plans subject to the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. 1001 et seq.), disability income, long-term care, or other limited benefit hospital insurance policies.

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as a new subdivision to be appropriately designated:

() "Remote patient monitoring telemedicine services" means using digital technologies to collect medical and other forms of health data from a patient and then electronically transmitting that information securely to healthcare providers in a different location for interpretation and recommendation. Remote patient monitoring telemedicine services includes, but is not limited to:

(A) Continuous glucose monitoring when ordered by a physician;

(B) Remote monitoring of devices when ordered by a physician, which may include, but is not limited to, external mobile cardiovascular telemetry and implantable medical devices such as pacemakers, defibrillators, cardiac monitors, loop recorders, deep brain stimulators, and infusion pumps;

(C) Remote patient monitoring for disease management when ordered by a physician and for a disease, condition, or health issue that may include, but is not limited to:

(i) Diabetes;

(ii) Congestive heart failure;

(iii) Chronic obstructive pulmonary disease;

(iv) Mental health conditions and addiction;

(v) Chronic disease causing impaired mobility;

(vi) Chronic illness expected to last for life requiring ongoing management by a healthcare practitioner, including, but not limited to, chronic lung, liver, or renal disease;

(vii) Post-transplant period for patients who have undergone a transplant of a solid organ, bone marrow, stem cell, or other tissue;

(viii) A patient approved for home nursing, home oxygen, home ventilator use, bipap use, cpap use, or balclofen pump, or a patient who has a ventriculoperitoneal shunt or any type of ostomy;

(ix) Cerebral palsy;

(x) Obesity;

(xi) Frequent hospital admissions, meaning at least two (2) admissions in the past year or one (1) ICU admission;

(xii) Congenital or genetic conditions including, but not limited to, chromosomal abnormality, genetic syndrome, known congenital malformation association, severe developmental delay, metabolic disease or congenital heart disease, tracheomalacia, laryngomalacia, bronchomalacia, autonomic dysfunction, or pituitary gland dysfunction;

(xiii) Heart and blood pressure conditions including, but not limited to, congenital heart disease, bradycardia, and hypertension;

(xiv) Neurologic conditions including, but not limited to, seizure disorder, static encephalopathy, hypoxic ischemic encephalopathy, history of intracranial bleed or stroke, traumatic brain injury, congenital brain formation, sleep disorders, and degenerative neurologic condition;

(xv) Breathing conditions including, but not limited to, asthma and obstructive sleep apnea and recurrent pneumonia, meaning two (2) or more episodes within the previous year;

(xvi) Urinary conditions including, but not limited to, bladder dysfunction, kidney stones, and bladder stones;

(xvii) Bone or joint conditions including, but not limited to, osteopenia, osteoporosis, scoliosis, hip dysplasia or dislocation, skeletal deformity, history of pathological fractures, and contractures of extremity joints;

(xviii) Gastrointestinal conditions including feeding problems and gastrointestinal motility disorder;

(xix) Hypothermia; and

(xx) History of decubitus ulcer; or

(D) Remote monitoring for pharmacy adherence when ordered by a physician and when the patient uses a bluetooth pill box or other smart pill box, or transdermal patch when the pill is consumed;

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it.